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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,114	10/20/1999	THOMAS CHURCHILL	18567-0011	5123

25696 7590 08/27/2003

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/422,114

Applicant(s)

CHURCHILL ET AL.

Examiner

Clement B Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's arguments filed on 05/22/2003 are moot in view of the new grounds of rejections.
2. Claims 1-17 and 19-37, are remained.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.

Claim 1- 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hereinafter Fisher U.S Patent 5,835,896 in view of Hereinafter Case U.S. Patent 6,510,416.

As per claim 1, Fisher discloses that when a bid is received by bid validator the customer is looked up in the customer database. If no customer record exists for the customer then a new customer record is created and placed in customer database and from there, the bid information is validated as previously described. If the bid data includes one or more errors, then an error message is returned to the bidder, preferably in the form of a well-formatted page posted across the network, itemizing the errors found in the bid. If the bid is valid, then the bid is placed in bid database. (See column 8 lines 30-40 and column 6 lines 15-45) and a auction server reserves the second bid

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price from the second account record if the second bid is valid. (See column 14 lines 15-45 and column 11 lines 45-60). Fisher does not explicitly teach a second account record associated with a second bidder or a second bidder where the second bid is associated with a second bid price. However Case disclose a second account record associated with a second bidder or a second bidder where the second bid is associated with a second bid price or a auction server reserves the second bid price from the second account record if the second bid is valid. (Note abstract and see column 11 lines 15-65 and column 12 lines 5-65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Fisher modify to include a second account record associated with a second bidder or a second bidder where the second bid is associated with a second bid price in order to have a larger volume of customers associated with the auction and for greater financial gain for the company holding the auction.

As per claim 2, Fisher discloses that when a bid is received by bid validator and the bid is not valid and if the bid data includes one or more errors, then an error message is returned to the bidder, preferably in the form of a well-formatted page posted across the network, itemizing the errors found in the bid. (See column 8 lines 35-40 and column 6 lines 15-45). Fisher fails to teach wherein the auction server unreserves a first bid amount associated with a first bid from the bidder in the first account record. It would have been obvious to one of ordinary skill in the art at the time the invention was made that using the teachings of Fisher modify to include Case would not have had the need to unreserves a bid because the bid validator would have caught

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the error or errors during the validation process. The benefit would have been to avoid erroneous bids entering the system and further creating a efficient and accurate system.

As per claims 3-5, Fisher discloses a inventive method and system is disclosed for conducting a multi-bidder, interactive auction without using a human auctioneer to conduct the auction. Preferably implemented in software, the electronic auction system allows a group of bidders to interactively place bids over a computer or communications network, automatically records the bids, updates the bidders with the current auction status information, closes the auction from further bidding when appropriate, and notifies the winning bidder or bidders and loser or losers as to the auction outcome. (See column 6 lines 5-10). Fisher or Case does not teach an auction wherein winning  $M = 1$  and  $N = 1$  or  $M = N$  or  $M = 1$  and  $N = 1$ . It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Fisher in order to achieve the functions of  $M = 1$  and  $N = 1$  or  $M = N$  or  $M = 1$  and  $N = 1$ . The benefit would have been for their to be a winner or winners at the completion of an auction.

As per claim 6, fisher fails to teach bid prices are incentive points. However granting incentive points is old and well known in the art because incentive points can be based on bid prices.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to grant incentive points based on bid prices in order to attract a larger volume of customers.

As per claim 7, fisher fails to teach bid prices are money.

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However it would have been obvious to one of ordinary skill in the art at the time the invention was made that bid prices can be equated to money are money incentive points is old and well known in the art because incentive points can be based on bid prices.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to grant incentive points based on bid prices in order to attract a larger volume of customers.

As per claim 8, Fisher discloses that when a bid is received by bid validator the customer is looked up in the customer database. If no customer record exists for the customer then a new customer record is created and placed in customer database and from there, the bid information is validated as previously described. If the bid data includes one or more errors, then an error message is returned to the bidder, preferably in the form of a well-formatted page posted across the network, itemizing the errors found in the bid. If the bid is valid, then the bid is placed in bid database. (See column 8 lines 30-40 and column 6 lines 15-45). Fisher also discloses upon accessing a public network and seeing an item's catalog page, the bidder may press a button on the catalog page or take some similar action which causes a bid form to be displayed on the screen. The bidder then enters the information necessary to place a bid, such as their name and address, bid amount, payment information, etc., and then presses a bid submission button, or takes a similar action which sends the bid to the system and the system receives the electronic bid information and places it in the bid database. Because this new bid

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will, in general, be a bid for a higher amount than was last bid by another party, the system will

regenerate the item's catalog page. This updated catalog page will then show the new high bid

to any prospective bidders who later access that catalog page. (See column 6 lines 30-45 of

Fisher). Fisher also discloses a computer network enabling communication between a host

computer and a plurality of remote customers, an auction information transmission and

processing system implemented as a computer program within the host and network,

comprising, a merchandise database connected in communication with the host for storing

merchandise information, the merchandise information being descriptive of a lot available for

purchase by a customer, a bid database in communication with the host for storing bid

information, the bid information being descriptive of a bid received from one of the remote

customers, an auction manager implemented in the server and in communication with the

databases, an electronic mail messenger in communication with the auction manager and the bid

database, a bid validator, including means for receiving bids from the customers, connected to

the auction manager and in communication with the bid database, wherein the auction manager

induces a customer to bid across the network on a lot of merchandise by posting a descriptive

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merchandise catalog page containing data from the merchandise database, the customer views

across the network the catalog page and sends a bid to the bid validator across the network, the

bid validator determines whether the bid is valid, the bid database stores the bid, the auction

manager determines whether the bid is successful, and the electronic mail messenger notifies

the customer whether customer's bid was determined to be successful by the bid manager.(See

column 4 lines 50-65 and column 5 line 5 of Fisher). Fisher does not explicitly teach a first

logic for receiving bids from a plurality of bidders where each bid is associated with a bidder

selected number of or payments units or a second logic for reserving the bidder selected number

of payments units in the bidders respective account record if the selected number of payment

units is available in the account record. However Case disclose a first logic for receiving bids

from a plurality of bidders where each bid is associated with a bidder selected number of or

payments units or a second logic for reserving the bidder selected number of payments units in

the bidders respective account record if the selected number of payment units is available in the

account record.(Note abstract and see column 11 lines 15-65 and column 12 lines 5-65). It

would have been obvious to one of ordinary skill in the art at the time the invention was made



that the teachings of Fisher modify to include Case can be used to accomplish the functions of

first logic for receiving bids from a plurality of bidders where each bid is associated with a

bidder selected number of or payments units or a second logic for reserving the bidder selected

number of payments units in the bidders respective account record if the selected number of

payment units is available in the account record in order to store payment information. The

benefit would have been to document customers payment information in a database for future

access.

As per claim 9, Fisher discloses that when a bid is received by bid validator the customer is looked up in the customer database. If no customer record exists for the customer then a new customer record is created and placed in customer database and from there, the bid information is validated as previously described. If the bid data includes one or more errors, then an error message is returned to the bidder, preferably in the form of a well-formatted page posted across the network, itemizing the errors found in the bid. If the bid is valid, then the bid is placed in bid database. (See column 8 lines 30-40 and column 6 lines 15-45). Fisher does not explicitly teach wherein the first logic receives a second bid of a second number of payment units from a second bidder and had already received a first bid of first number of payment units from a bidder and the second logic unreserves a first bid number of payment units from account record of the first bidder if the first number of payment units is less than the second number of

payments units. However Case disclose the first logic receives a second bid of a second number of payment units from a second bidder and had already received a first bid of first number of payment units from a bidder and the second logic unreserves a first bid number of payment units from account record of the first bidder if the first number of payment units is less than the second number of payments units (see column 11 lines 15-65 and column 12 lines 5-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that applying the teachings of Fisher modify to include Case could have been used to accomplish wherein the first logic receives a second bid of a second number of payment units from a second bidder and had already received a first bid of first number of payment units from a bidder and the second logic unreserves a first bid number of payment units from account record of the first bidder if the first number of payment units is less than the second number of payments units because the units would have been stored in the bid database and could have been easily deleted from the database in event their were a need to do so. The benefit would have been to delete information from the database as needed.

As per claim 10, The granting of incentive points is a common practice in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to grant incentive points in order to attract a larger volume of customers. The benefit would have been to increase customers thereby creating a financial gain for a company.

As per claim 11-12, Fisher discloses that when a bid is received by bid validator the customer is looked up in the customer database. If no customer record exists for the

customer then a new customer record is created and placed in customer database and from there, the bid information is validated as previously described. If the bid data includes one or more errors, then an error message is returned to the bidder,

preferably in the form of a well-formatted page posted across the network, itemizing the errors found in the bid. If the bid is valid, then the bid is placed in bid database. (See column 8 lines 30-40 and column 6 lines 15-45). Fisher also discloses a computer network enabling communication between a host computer and a plurality of remote customers, an auction information transmission and processing system implemented as a computer program within the host and network, comprising, a merchandise database connected in communication with the host for storing merchandise information, the

merchandise information being descriptive of a lot available for purchase by a customer, a bid

database in communication with the host for storing bid information, the bid information being

descriptive of a bid received from one of the remote customers, an auction manager

implemented in the server and in communication with the databases, an electronic mail

messenger in communication with the auction manager and the bid database, a bid validator,

including means for receiving bids from the customers, connected to the auction manager and in

communication with the bid database, wherein the auction manager induces a customer to bid

across the network on a lot of merchandise by posting a descriptive merchandise catalog page

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containing data from the merchandise database, the customer views across the network the

catalog page and sends a bid to the bid validator across the network, the bid validator

determines whether the bid is valid, the bid database stores the bid, the auction manager

determines whether the customer's bid was determined to be successful by the bid manager.(See

column 4 lines 50-65 and column 5 line 5 of Fisher). Fisher fails to teach where each bid is associated with a bidder selected number of payment units and a second automated bidder maximum number of payment units or a second logic for reserving the bidder selected

maximum number of payment units in the bidders respective account record if the second

automated bidder maximum number of payment units is available in the account record.

However Case discloses where each bid is associated with a bidder selected number of payment

units and a second automated bidder maximum number of payment units or a second logic for

reserving the bidder selected maximum number of payment units in the bidders respective

account record if the second automated bidder maximum number of payment units is available

in the account record. (Note abstract and see column 11 lines 15-65 and column 12 lines 5-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

that the teachings of Fisher modify to include Case can be applied to execute the functions

wherein each bid is associated with a bidder selected number of payment units and a second

automated bidder maximum number of payment units or a second logic for reserving the bidder

selected maximum number of payment units in the bidders respective account record if the

second automated bidder maximum number of payment units is available in the account record

in order to document the bids and payment information of one or more bidders in a database.

The benefit would have been to record all the pertinent bid information in a database for future

use.

As per claim 13, Fisher discloses that when a bid is received by bid validator the customer is looked up in the customer database. If no customer record exists for the customer then a new customer record is created and placed in customer database and from there, the bid information is validated as previously described. If the bid data includes one or more errors, then an error message is returned to the bidder, preferably in the form of a well-formatted page posted across the network, itemizing the errors found in the bid. If the bid is valid, then the bid is placed in bid database. (See column 8 lines 30-40 and column 6 lines 15-45). Fisher does not teach wherein the first logic receives a second bid of a second number of payment units from a second bidder and had already received a first bid of first number of payment units from a bidder and the second logic unreserves a first bid number of payment units from account record of the first bidder if the first number of payment units is less than the second number of payments units. However Case disclose wherein the first logic receives a second bid of

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a second number of payment units from a second bidder and had already received a first bid of first number of payment units from a bidder and the second logic unreserves a first bid number of payment units from account record of the first bidder if the first number of payment units is less than the second number of payments units. (Note abstract and see column 11 lines 15-65 and column 12 lines 5-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that applying the teachings of Fisher modify to include Case could have been used to accomplish wherein the first logic receives a second bid of a second number of payment units from a second bidder and had already received a first bid of first number of payment units from a bidder and the second logic unreserves a first bid number of payment units from account record of the first bidder if the first number of payment units is less than the second number of payments units because the units would have been stored in the bid database and could have been easily deleted from the database in event their were a need to do so. The benefit would have been to delete information from the database as needed.

As per claim 14, Fisher discloses that when the system detects that the item is scheduled to be closed for further bidding or another closing trigger is detected. At this point, the system closes the auction by updating the merchandise catalog page with the final winning bid information and by sending electronic mail notifications to both the winning bidder or bidders and the losing bidder or bidders.(See column 7 line 5 of Fisher). Fisher does not explicitly teach wherein the second logic unreservers the difference between a final winning price and the second automated bidder maximum

number of payment units if a second bidder is declared the winner and the final winning price is less than the second automated bidder maximum number of payment units. It would have been obvious to one of ordinary skill in the art at the time the invention was made that applying the teachings of Fisher to include Case would have accomplish the functions of wherein the second logic unreservers the difference between a final winning price and the second automated bidder maximum number of payment units if a second bidder is declared the winner and the final winning price is less than the second automated bidder maximum number of payment units in order to accurately select winner or winners. The benefit would have been to select correct winner or winners from the auction.

4. Claim 15- 17 and 23-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher U.S Patent 5,835,896 in view of Case U.S. Patent 6,510,416 in further view of Hereinafter Copple U.S Patent 6,178,408.

As per claim 15-17, Fisher and Case does not explicitly teach a database storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user, and each account also storing information relating to date or time period during which incentive points were earned, communications port operatively connected to the first user and the second user; a computer program or programs taking as input bids received from the first user and the second user through the communications port, each bid constituting a number of incentive points and relating to an item being auctioned, said program (a) checking each bid against the database to confirm that the user

submitting the bid owns at least the number of points specified in the bid, (b) storing information identifying the current high bid, (c) reserving a number of points equal to the current high bid from the account of the user who submitted that bid such that those points may not be used for any other purpose until unreserved, (d) unreserving reserved points higher bid is received and validated, (e) at the end of the auction, awarding the item to the user with the highest bid at that point, and (f) subtracting the number of points representing the winning bid from the account of the user who submitted the winning bid and wherein said computer program or programs use the date or time period information to cause incentive points to be removed from user accounts once a certain period of time has elapsed from awarding of such points . However Copple disclose a database storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user; a communications port operatively connected to the first user and the second user; a computer program or programs taking as input bids received from the first user and the second user through the communications port, each bid constituting a number of incentive points and relating to an item being auctioned. (See column 5 lines 5-20). Copple also disclose said program (a) checking each bid against the database to confirm that the user submitting the bid owns at least the number of points specified in the bid, (b) storing information identifying the current high bid, (c) reserving a number of points equal to the current high bid from the account of the user who submitted that bid such that those points may not be used for any other purpose until unreserved, (d) unreserving reserved points higher bid is received and



validated, (e) at the end of the auction, awarding the item to the user with the highest bid at that point, and (f) subtracting the number of points representing the winning bid from the account of the user who submitted the winning bid. (See column 4 lines 5-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Fisher and Case could be modify to include Copple in order to create a database for storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user. The benefit would have been to document each user and their points awarded for accuracy when comparing information.

5. Claims 19- 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher U.S Patent 5,835,896 in view of Walker et al (Hereinafter Walker U.S. Patent 6, 113, 495) in further view of Copple et al (Hereinafter Copple U.S Patent 6,178,408).

As per claims 19-22, Fisher disclose providing a computer database accessible through a communication port for storing a plurality of accounts.(See column 2 lines 35-65 and column 4 lines 50-65 and column 5 and 6 lines 5-65). Fisher do not explicitly teach , removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points. However Walker disclose , removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points. (See column 15 lines 55-65). Fisher and Walker fails to teach awarding a quantity of incentive points to a first user, including adding the first quantity to a first one of the stored accounts of first user incentive points, awarding a quantity of incentive points to a second user, including

adding the quantity to a second one of the stored accounts of second user incentive points and initiating an on-line auction for an item, including specifying a minimum number of incentive points required for an opening bid, receiving a first bid from the first user through the communications port; the first bid is less than the minimum number, comparing the first bid against the number of unreserved incentive points in the first stored account and rejecting the first bid if the first bid is greater than the number of unreserved incentive points in the first stored account, if the first bid has not been rejected, storing an indication that the first bid is the current high bid and reserving a number of incentive points in the first stored account equal to the amount of the first bid; receiving a second bid from the second user through a communications port; comparing the second bid against the current high bid and rejecting the first bid if the first bid is less than the current high bid; comparing the second bid against the number of unreserved incentive points in the second stored account and rejecting the second bid if the second bid is greater than the number of unreserved incentive points in the second stored account; (k) if the second bid has not been rejected, storing an indication that the second bid is the current high bid, reserving a number of incentive points in the second stored account equal to the amount of the second bid, and unreserving the first account points previously reserved in step

(1) after receipt of n number of additional bids, closing the auction; and

(m) awarding the item to the user who submitted the highest valid bid as of the close of the auction and deleting from that user's account that number of points reserved in that account as a result of that bid. However Copple disclose awarding a

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quantity of incentive points to a first user, including adding the first quantity to a first stored account of first user incentive points; (b) awarding a quantity of incentive points to a second user, including adding the quantity to a second stored account of second user incentive points. (See column 4 lines 5-65 and column 5 lines 5-30 and). Copple also disclose initiating an on-line auction for an item, including specifying a minimum number of incentive points required for an opening bid; (d) receiving a first bid from the first user through a communications port; the first bid is less than the minimum number, (f) comparing the first bid against the number of unreserved incentive points in the first stored account and rejecting the first bid if the first bid is greater than the number of unreserved incentive points in the first stored account; (g) if the first bid has not been rejected, storing an indication that the first bid is the current high bid and reserving a number of incentive points in the first stored account equal to the amount of the first bid, receiving a second bid from the second user through a communications port; comparing the second bid against the current high bid and rejecting the first bid if the first bid is less than the current high bid; comparing the second bid against the number of unreserved incentive points in the second stored account and rejecting the second bid if the second bid is greater than the number of unreserved incentive points in the second stored account; (k) if the second bid has not been rejected, storing an indication that the second bid is the current high bid, reserving a number of incentive points in the second stored account equal to the amount of the second bid, and unreserving the first account points previously reserved in step 1 after receipt of n number of additional bids, closing the auction; and (m) awarding the item to the user who submitted the highest

valid bid as of the close of the auction and deleting from that user's account that number of points reserved in that account as a result of that bid. (See column 6 lines 5-65).

However removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points is old and well known in the art because points would be needed to be removed from the once the said points are used.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Fisher and Walker modify to include award a quantity of incentive points to a first user, including adding the first quantity to a first stored account of first user incentive points; (b) awarding a quantity of incentive points to a second user in order to document each user and their points awarded for accuracy when comparing information.

As per claim 23-26, Fisher and Case does not explicitly teach a database storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user; a communications port operatively connected to the first user and the second user; a computer program or programs taking as input bids received from the first user and the second user through the communications port, each bid constituting a number of incentive points and relating to an item being auctioned, said program (a) checking each bid against the database to confirm that the user submitting the bid owns at least the number of points specified in the bid, (b) storing information identifying the current high bid, (c) reserving a number of points equal to the current high bid from the account of

the user who submitted that bid such that those points may not be used for any other purpose until unreserved, (d) unreserving reserved points higher bid is received and validated, (e) at the end of the auction, awarding the item to the user with the highest bid at that point, and (f) subtracting the number of points representing the winning bid from the account of the user who submitted the winning bid. However Copple disclose a database storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user; a communications port operatively connected to the first user and the second user; a computer program or programs taking as input bids received from the first user and the second user through the communications port, each bid constituting a number of incentive points and relating to an item being auctioned. (See column 5 lines 5-20). Copple also disclose said program (a) checking each bid against the database to confirm that the user submitting the bid owns at least the number of points specified in the bid, (b) storing information identifying the current high bid, (c) reserving a number of points equal to the current high bid from the account of the user who submitted that bid such that those points may not be used for any other purpose until unreserved, (d) unreserving reserved points higher bid is received and validated, (e) at the end of the auction, awarding the item to the user with the highest bid at that point, and (f) subtracting the number of points representing the winning bid from the account of the user who submitted the winning bid. (See column 4 lines 5-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Fisher and Case could be modify to include Copple in order to create a

database for storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user. The benefit would have been to document each user and their points awarded for accuracy when comparing information.

As per claim 27-30, Fisher disclose providing a computer database accessible through a communication port for storing a plurality of accounts.(See column 2 lines 35-65 and column 4 lines 50-65 and column 5 and 6 lines 5-65). Fisher and Case does not explicitly teach awarding a quantity of incentive points to a first user, including adding the first quantity to a first one of the stored accounts of first user incentive points, awarding a quantity of incentive points to a second user, including adding the quantity to a second one of the stored accounts of second user incentive points, removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points and initiating an on-line auction for an item, including specifying a minimum number of incentive points required for an opening bid, receiving a first bid from the first user through the communications port; the first bid is less than the minimum number, comparing the first bid against the number of unreserved incentive points in the first stored account and rejecting the first bid if the first bid is greater than the number of unreserved incentive points in the first stored account, if the first bid has not been rejected, storing an indication that the first bid is the current high bid and reserving a number of incentive points in the first stored account equal to the amount of the first bid; receiving a second bid from the second user through a communications port; comparing the second bid against the current high bid and

rejecting the first bid if the first bid is less than the current high bid; comparing the second bid against the number of unreserved incentive points in the second stored account and rejecting the second bid if the second bid is greater than the number of unreserved incentive points in the second stored account; (k) if the second bid has not been rejected, storing an indication that the second bid is the current high bid, reserving a number of incentive points in the second stored account equal to the amount of the second bid, and unreserving the first account points previously reserved in step

(1) after receipt of n number of additional bids, closing the auction; and  
(m) awarding the item to the user who submitted the highest valid bid as of the close of the auction and deleting from that user's account that number of points reserved in that account as a result of that bid. However Copple disclose awarding a quantity of incentive points to a first user, including adding the first quantity to a first stored account of first user incentive points; (b) awarding a quantity of incentive points to a second user, including adding the quantity to a second stored account of second user incentive points. (See column 4 lines 5-65 and column 5 lines 5-30 and). Copple also disclose initiating an on-line auction for an item, including specifying a minimum number of incentive points required for an opening bid; (d) receiving a first bid from the first user through a communications port; the first bid is less than the minimum number, (f) comparing the first bid against the number of unreserved incentive points in the first stored account and rejecting the first bid if the first bid is greater than the number of unreserved incentive points in the first stored account; (g) if the first bid has not been rejected, storing an indication that the first bid is the current high bid and reserving a

number of incentive points in the first stored account equal to the amount of the first bid, receiving a second bid from the second user through a communications port; comparing the second bid against the current high bid and rejecting the first bid if the first bid is less than the current high bid; comparing the second bid against the number of unreserved incentive points in the second stored account and rejecting the second bid if the second bid is greater than the number of unreserved incentive points in the second stored account; (k) if the second bid has not been rejected, storing an indication that the second bid is the current high bid, reserving a number of incentive points in the second stored account equal to the amount of the second bid, and unreserving the first account points previously reserved in step 1 after receipt of n number of additional bids, closing the auction; and (m) awarding the item to the user who submitted the highest valid bid as of the close of the auction and deleting from that user's account that number of points reserved in that account as a result of that bid. (See column 6 lines 5-65).

However removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points is old and well known in the art because points would be needed to be removed from the once the said points are used.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Fisher and Case modify to include award a quantity of incentive points to a first user, including adding the first quantity to a first stored account of first user incentive points awarding a quantity of incentive



points to a second user in order to document each user and their points awarded for accuracy when comparing information.

As per claim 31-33, 35-37, Fisher and Case does not explicitly teach a database storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user; a communications port operatively connected to the first user and the second user; a computer program or programs taking as input bids received from the first user and the second user through the communications port, each bid constituting a number of incentive points and relating to an item being auctioned, said program (a) checking each bid against the database to confirm that the user submitting the bid owns at least the number of points specified in the bid, (b) storing information identifying the current high bid, (c) reserving a number of points equal to the current high bid from the account of the user who submitted that bid such that those points may not be used for any other purpose until unreserved, (d) unreserving reserved points higher bid is received and validated, (e) at the end of the auction, awarding the item to the user with the highest bid at that point, and (f) subtracting the number of points representing the winning bid from the account of the user who submitted the winning bid. However Copple disclose a database storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user; a communications port operatively connected to the first user and the second user; a computer program or programs taking as input bids received from the first user and the second user through the communications port, each bid constituting a

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number of incentive points and relating to an item being auctioned. (See column 5 lines 5-20). Copple also disclose said program (a) checking each bid against the database to confirm that the user submitting the bid owns at least the number of points specified in the bid, (b) storing information identifying the current high bid, (c) reserving a number of points equal to the current high bid from the account of the user who submitted that bid such that those points may not be used for any other purpose until unreserved, (d) unreserving reserved points higher bid is received and validated, (e) at the end of the auction, awarding the item to the user with the highest bid at that point, and (f) subtracting the number of points representing the winning bid from the account of the user who submitted the winning bid. (See column 4 lines 5-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Fisher and Case could be modify to include Copple in order to create a database for storing a first account representing a number of incentive points awarded to a first user and a second account representing a number of incentive points awarded to a second user. The benefit would have been to document each user and their points awarded for accuracy when comparing information.

### **Response to Arguments**

6. Applicant 's arguments filed on 05/22/2003 are moot in view of the new grounds of rejections.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is

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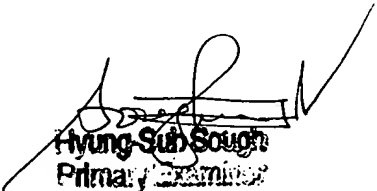
703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

August 19, 2003

  
Hyung-Suh Sough  
Primary Examiner